

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

US EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

CAPPO MANAGEMENT XXIX, INC.
d/b/a HARROLD FORD, and VICTORY
AUTOMOTIVE GROUP, INC.,

Defendants.

No. 2:20-cv-02245

ORDER

Through this action, Plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”) filed this lawsuit against Defendants on November 10, 2020. Aryan Rahimi (“Rahimi”) filed a Charge of Discrimination that led to the EEOC’s suit. She states that she was affected by the discrimination alleged in the EEOC’s Complaint. Presently before the Court is Rahimi’s Motion to Intervene under Federal Rule of Civil Procedure 24 filed March 1, 2021. ECF No. 6 (“Motion”). The EEOC has filed a Statement of Non-Opposition. ECF No. 13. Defendants have not opposed the Motion. Rahimi ultimately seeks to join the EEOC’s claim for violation of the Americans with Disabilities Act, 42 U.S.C. § 12112(a), and to raise additional claims both under the California Fair Employment and Housing Act, Cal. Gov’t Code § 12940, and under California common

1 law claim for wrongful termination in violation of public policy. Motion, at 2-3. She
2 petitions the Court to exercise supplemental jurisdiction under 28 U.S.C. § 1367(a) over
3 her state law claims. Motion, at 4. For the reasons that follow, Rahimi's Motion is
4 GRANTED.

5 Under Rule 24(a), intervention of right shall be permitted when federal statute
6 confers the unconditional right to intervene in the action. Title VII provides individuals a
7 right to intervene. See 42 U.S.C. § 2000e-5 (f)(1) ("[T]he person or persons aggrieved
8 shall have the right to intervene in a civil action brought by the [EEOC] . . ."). "Most
9 courts agree that this statutory provision permits individuals an 'unconditional right to
10 intervene' under Rule 24(a)(1) in a Title VII enforcement action brought by the EEOC
11 against the employer." E.E.O.C. v. Giumarra Vineyards Corp., No. 1:09-CV-02255-
12 OWW, 2010 WL 3220387, at *2 (E.D. Cal. Aug. 13, 2010). The Court thus determines
13 that Plaintiff-Intervenor has a right to intervene.

14 Rule 24(a) imposes the additional requirement that the application to intervene be
15 timely. In order to determine timeliness, the Court considers the length of time between
16 the intervenor's learning of his interest and filing, the prejudice to the defendant(s) from
17 intervention, the prejudice to the intervenor from a denial of intervention, and any
18 unusual circumstances. See Smith v. Los Angeles Unified Sch. Dist., 830 F.3d 843, 854
19 (9th Cir. 2016). Rahimi sought to intervene less than three months after the filing of the
20 Complaint and before Defendants served their Answer. See Answer, ECF No. 8 (filed
21 two days after the instant Motion). Based on the early stage of litigation in this matter
22 and the low risk of prejudice to Defendants, the Court deems the Motion timely.

23 Finally, the Court at this time elects to exercise supplemental jurisdiction over
24 Rahimi's state law claims. See 28 U.S.C. § 1367(a). Supplemental jurisdiction over
25 state claims is appropriate when the claims "derive from a common nucleus of operative
26 fact, such that the relationship between [the federal] claim and the state claim permits
27 the conclusion that the entire action before the court comprises but one constitutional
28 case." City of Chicago v. Int'l Coll. of Surgeons, 522 U.S. 156, 165 (1997) (quoting Mine

1 Workers v. Gibbs, 383 U.S. 715, 725 (1966)) (internal quotation marks omitted)
2 (alteration original). Here, the federal and state claims facially appear sufficiently related
3 so as to satisfy “the values of judicial economy, convenience, fairness, and comity” in
4 considering these claims together. See Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343,
5 350 (1988).

6 In light of the foregoing:

7 1. The motion to intervene (ECF No. 6) filed by Aryan Rahimi is GRANTED.

8 2. Plaintiff-Intervenor is instructed to file her Complaint within five (5) days of the
9 date this Order is electronically filed.

10 IT IS SO ORDERED.

11 Dated: March 31, 2021

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13 MORRISON C. ENGLAND, JR.
14 SENIOR UNITED STATES DISTRICT JUDGE
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